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102090-0001P1

**FACSIMILE COVER SHEET**

DATE: **July 10, 2002**

TOTAL PAGES WITH COVER: **23**

TO: **Examiner Anabel Ton**

FIRM: **United States Patent and Trademark Office**

FACSIMILE NUMBER: **(703) 746-4767**

TELEPHONE NUMBER: **(703) 660-8645**

FROM: **John F. McKenna**

COMMENTS:

**Re: Serial No. 09/548,862**

**Enclosed is a Letter regarding the above application. Hopefully it satisfies the Examiner's telephone request. If not, please call the undersigned.**

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**JUL 31 2002**  
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**SPECIAL INSTRUCTIONS:**

If you do not receive all pages, or you are not the intended recipient, please contact us at (617) 951-2500 as soon as possible.

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April 10, 2001

USPTO Box EBC  
ATTN: Keith Peterson  
Washington D.C. 20231

Re: Customer Number Information

Dear Mr. Peterson:

Enclosed please find a disk and hard copy of our customer number (24267) information that I spoke with you about today. As you requested, my email address is [Stefanie@c-m.com](mailto:Stefanie@c-m.com). Please contact me via email or call me at (617) 951-3092 if you have any further questions.

Thank you.

Very truly yours,



Stefanie Dion

Enclosure: Disk  
Hard copy

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Web Site  
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August 21, 2001

U.S. Patent and Trademark Office  
Box EBC  
Attn: Stacy Fuller  
Washington, DC 20231

Re: Customer Number 24267 Upload Diskette

Dear Stacy:

Enclosed is a hard copy and diskette (entitled Customer Number List2.xls) of ALL of our U.S. pending applications and patents that we would like to have associated with our customer No. 24267, correspondence address, practitioners of record, and fee address. I have made the necessary corrections based on the Customer Number Upload Report that you mailed to me in mid-July.

The excel spreadsheet and diskette not only contains the corrected applications and/or patents, but also includes all the applications and/or patents that were previously accepted according to your Customer Number Upload Report. After speaking with you on the phone, you indicated that this was an acceptable way to do this.

I assume that in the interim, you will be generating yet another upload report and then will send that one to me again which indicates the applications and/or patents were that were accepted and/or not accepted. I assume I will then have to repeat the same process.


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CESARI AND MCKENNA, LLP

Ms. Stacy Fuller  
August 21, 2001  
Page 2

Please contact me at (617) 951-3092 or email me at [Stefanie@c-m.com](mailto:Stefanie@c-m.com) if you have any further questions, or if I have mistaken the process in some way. Thank you.

Very truly yours,

  
Stefanie Dion

Enclosure: Excel spreadsheet  
Diskette

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WEB SITE  
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April 17, 2002

Ms. Stacy Fuller  
U.S. Patent and Trademark Office  
Box EBC  
Washington, DC 20231

Re: Additional Customer Number Data

Dear Stacy:

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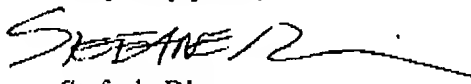
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Enclosed please find a hard copy and a disk (entitled Customer Number List3.xls) containing **additional** U.S. patent applications that we would like to be associated with our customer No. 24267, correspondence address, practitioners of record, and fee address.

After you have uploaded this report and added the new matters to the existing customer No. data, I assume you will send me another Customer Number Upload Report. Please call me at (617) 951-3092 or email me at [stefanie@c-m.com](mailto:stefanie@c-m.com) if you do otherwise.

Thanks for your help.

Very truly yours,

  
Stefanie Dion

Enclosure: Disk  
Hard Copy

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PATENTS  
102090-0001P1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of: )  
Paul Andrew Cronk )  
Serial No.: 09/548,862 ) Examiner: Ton, A  
Filed: April 13, 2000 )  
For: ADJUSTABLE REFLECTOR ) Art Unit: 2875  
DEVICE )  
)  
)  
)

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
July 10, 2002

Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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JUL 31 2002

OFFICE OF PETITIONS

**LETTER**

We appreciate receiving the faxed copy of the Notice of Non-Compliant Amendment dated 09/17/01.

The Official Action dated 05/08/01 rejected claims 1 to 11. On September 4, 2001, applicant filed a response to that action (along with a request for a one month extension) listing the undersigned's current address, canceling the rejected claims, adding new claims 12 to 23 and presenting a supporting argument. Thus, that amendment was fully responsive to the Official Action.

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The undersigned also volunteered certain changes to the specification, which were not in strict compliance with Rule 1.121. However, those voluntary amendments do not render the Amendment as a whole non-responsive.

We submit that the Examiner should have simply refused to enter the voluntary amendments to the specification and examined the new claims 12 -23 on the merits.

As discussed on the phone, the undersigned never received the 09/17/01 Notice which was apparently mailed to his old address.

On April 10, 2001 a secretary in the undersigned's law firm sent a letter to the PTO Box EBC, about updating the office address for all the firm's applications. A copy of that letter is enclosed. Because not all of our firm's caseload was reflected in the Customer Upload Report from the PTO, additional letters were sent on August 21, 2001 and April 17, 2002 (copies enclosed).

Also, on April 2, 2002, a change of address was specifically filed in the present application.

It is apparent from the foregoing that the applicant made a good forth effort to change the correspondence address for this application.

In any event, the fact that the applicant did not respond to the Notice dated 09/17/01 does not make the Amendment filed September 4, 2001 non-responsive because the Examiner never requested the specification changes which were the subject of that Notice.

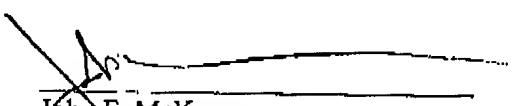
If we had received that Notice, we would have promptly filed a response making the same amendment in accordance with Rule 1.121 instructing the Examiner to replace the specification with the enclosed Substitute Specification and including the enclosed version

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thereof showing the changes from the previous version. The Substitute Specification contains no new matter. We request that those amendments be entered and the application reexamined with claims 12-23.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



John F. McKenna  
Reg. No. 20,912  
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Boston, MA 02210-2414  
(617) 951-2500